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**PARDALIS & NOHAVICKA, LLP**  
ATTORNEYS

April 17, 2020

**VIA ECF**

Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 240  
New York, New York 10007

**MEMO ENDORSED**

Re: *Antetokounmpo v. Southside Throwbacks Ltd. et al.*  
Civil Case No.: 1:20-cv-01441-VEC

Dear Honorable Valerie E. Caproni:

We represent Plaintiff in the above-referenced matter. Please allow this letter to serve as a letter motion to strike the filing of the settlement agreement (Dkt.14) and its removal from the docket.

As background, this is an action filed under the Lanham Act alleging trademark infringement against Defendants, jointly and severally. The parties reached a settlement to resolve their dispute. The parties stipulated to settle and drafted a Stipulation of Settlement and Proposed Order of Dismissal.

On March 17, 2020, Plaintiff's counsel, instead of filing the Stipulation of Settlement and Order for Dismissal (Dkt.15), filed by mistake the Confidential Settlement Agreement (Dkt.14). The Settlement Agreement includes a Confidentiality Clause. The parties are not allowed to disclose the terms of the Settlement Agreement, except under certain circumstances enumerated in the Settlement Agreement. Plaintiff's counsel immediately called the chambers and filed a letter with the Court to seek the withdrawal of the Settlement Agreement. The Court immediately proceeded with the sealing of the document, which was no longer accessible to the public.

Plaintiff, respectfully, requests the removal of the Settlement Agreement from the docket (Dkt 14). The filing of the Settlement Agreement was an inadvertent clerical mistake. Plaintiff never intended to disclose the confidential terms of the Settlement Agreement to the Court and the public. Plaintiff immediately took remedial steps to correct this error by requesting the removal of the document and the document sealing. However, Plaintiff has an interest in the removal of the Settlement Agreement from the docket. Specifically, Plaintiff will incur significant harm, because

he bears the risk to be in breach of the confidentiality terms of the Settlement Agreement. The confidentiality clause does not support the disclosure of the terms of the Settlement Agreement to this Court. Plaintiff is a distinguished athlete. Therefore, any issue that might arise from the incorrect filing of the Settlement Agreement will attract the media attention and affect his reputation and career.

The removal of the Settlement Agreement will not prejudice any of the parties in the instant lawsuit. In fact, the parties agreed to keep the Settlement Agreement confidential and never intended to disclose it to the Court. There is no access of the public to this Settlement Agreement, since the document was placed under seal. Therefore, the balance of hardships tips in favor of the parties' interest in maintaining the confidentiality of the Settlement Agreement and in removing the Settlement Agreement from the docket. The removal of the Settlement Agreement from the docket will ensure the compliance of the parties to its intended confidential nature.

We apologize to Your Honor for any inconvenience caused by this clerical mistake, and we respectfully seek the complete removal of the Settlement Agreement from the docket.

We, thank You, Your Honor, for your time and attention to this matter.

The motion to strike from the record the settlement agreement, which was inadvertently filed and played no role in any judicial action, is GRANTED.

The Clerk of Court is respectfully requested to delete the document at docket entry 14.

SO ORDERED.

Date: 04/20/2020



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

**PARDALIS & NOHAVICKA, LLP**

/s/Anastasi Pardalis  
Anastasi Pardalis  
*Counsel for Plaintiff*